

S.B. 208

JURY AMENDMENTS

SENATE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 23, 2010 5:02 PM

Senator **Ralph Okerlund** proposes the following amendments:

1. Page 1, Line 25 through Page 2, Line 32:

25 78B-5-828. Evidence of payment to medical providers.

26 (1) Either party to a lawsuit or arbitration proceeding which involves medical economic

27 damages may introduce evidence showing the amounts actually paid to, and accepted by, any

28 medical provider as payment for treatment, care, or maintenance provided to an injured party.

29 Evidence may include, without limitation, any amounts scheduled, reduced, written off, or no

30 longer claimed by the medical provider. The finder of fact may consider the evidence when

31 determining the amounts of the reasonable, usual, and necessary damages for treatment, care,

32 and maintenance of the injured party in the award of medical economic damages.

(2) No reduction may be made for paid medical economic damages for which a subrogation right exists at the time of trial.